

ORDINANCE NO. 12-71

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE OFFER TO SELL AN UNIMPROVED 2.36-ACRE PARCEL OF LAND, CONSISTING OF 102,802 SQUARE FEET OF TOTAL AREA, LOCATED AT THE SOUTHEAST CORNER OF WEST 18 AVENUE AND WEST 76 STREET, HIALEAH, FLORIDA, FOLIO NO. 04-2026-001-0492, FOR THE SUM OF \$175,000.00 AND RATIFY THE CONTRACT FOR THE SALE AND PURCHASE OF THE PROPERTY WITH THE SELLER, JOE ANON, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; AND AUTHORIZING THE EXPENDITURE OF SUCH FUNDS TO PURCHASE THE PROPERTY, INCLUDING THE PURCHASE PRICE, AGREED-UPON CLOSING COSTS AND FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner Joe Anon offered to sell a 2.36-acre parcel of land located at the southeast corner of West 18 Avenue and West 76 Street, Hialeah, Florida to the City of Hialeah for the purchase price of \$175,000, after negotiations; and

WHEREAS, on or about September 17, 2012, the City of Hialeah and the property owner entered into an agreement for purchase and sale of the property subject to City Council approval and advertisement; and

WHEREAS, the City of Hialeah obtained one appraisal of the property, as required by section 166.045(1)(b), Florida Statutes, through Appraisal First Real Estate Appraisers, LLC, by state-certified appraisers, Frank Hornstein, MAI and Ileana Gibson, having the required credentials pursuant to section 253.025(6)(b), Florida Statutes; and

WHEREAS, according to Appraisal First Real Estate Appraisers, LLC, the fair market value of the offered property is \$175,000.00; and

WHEREAS, the offered price is equal to the appraised price and it is in the best interest of the City to purchase this property, which the City intends to use the property, together with the neighboring property, as a municipal park site emphasizes visual and performance arts and cultural heritage.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby accepts the offer to sell a 2.36-acre unimproved parcel of land, consisting of 102,802 square feet of total area, located at the southeast corner of West 18 Avenue and West 76 Street, Hialeah, Florida, Folio No. 04-2026-001-0492, for the sum of \$175,000.00 and ratify the contract for the sale and purchase of the property with the seller, Joe Anon, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and further authorizes the expenditure of such funds to purchase the property, including the purchase price, agreed-upon closing costs and fees.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.


If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

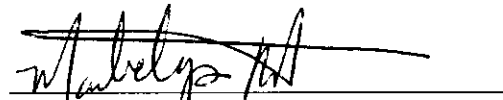
PASSED and ADOPTED this 23 day of October, 2012.

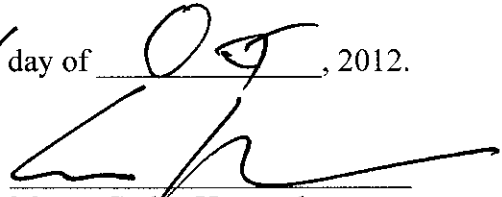
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Jose Caragol
Acting Council President

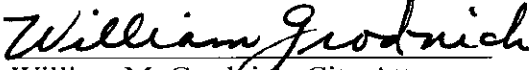
Attest:

Approved on this 24 day of Oct, 2012.


Marbelys Rubio, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 5-0 vote with Council Members, Caragol, Casals-Munoz, Cue-Fuente, Hernandez and Lozano voting "Yes", Council Members Garcia-Martinez and Gonzalez absent.